



# JOINT PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

State of Connecticut  
Department of Environmental Protection  
79 Elm Street  
Hartford, Connecticut 01606-5127

US Army of Engineers  
New England District  
696 Virginia Road  
Attn: Ms. Diane M. Ray  
Concord, MA 01742-2751

**In replying refer to:**

Public Notice Number: NAN-2006-609-WSC  
Issue Date: April 23, 2008  
Expiration Date: May 23, 2008

**To Whom It May Concern:**

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: City of Rye Municipal Boat Basin  
Attn: Peter Fox  
650 Milton Road  
Rye, New York 10580

ACTIVITY: Dredge with placement of the dredged material in the Central Long Island Sound Disposal Site with capping. Barge overflow at the dredging site is not proposed.

WATERWAY: Milton Harbor

LOCATION: City of Rye, Westchester County, New York.

Independent evaluations of various aspects of the proposed project will be performed by the US Army Corps of Engineers, New York District, US Army Corps of Engineers, New England District, the State of Connecticut, and the State of New York in accordance with applicable federal and state laws.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

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The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE; otherwise, it will be presumed that there are no objections to the activity.

Any person may request, by writing to the District Engineer before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267) (16 U.S.C. 1801 et seq.), requires federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH).

The dredging portion of this project will impact approximately 345,950 square feet of Essential Fish Habitat (EFH). Habitat at this site can be described as sand and silt. Loss of this habitat may adversely affect those species listed in the table. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The dredged material disposal is proposed to be placed at the Central Long Island Sound Disposal Site. This is an open water site, which provides Essential Fish Habitat, of which the species and life stages for the species and their life stages as shown in the attached table entitled, "Summary of Essential Fish Habitat (EFH) Designation". Habitat at this site can be described as sand and silt. Loss of this habitat may adversely affect those species listed on the attached table. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

Our preliminary determination is that the dredging and disposal of dredged material for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archaeological, scientific, prehistorical or historical data may be lost by work accomplished under the required permit.

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Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307(c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456(c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur.

For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

The Connecticut Department of Environmental Protection, Office of Long Island Sound Programs will review the applicant's dredged material placement proposal for consistency with Connecticut's water quality standards. Subsequent issuance of the Section 401 Water Quality Certificate from the state agency will indicate concurrence with the coastal area management plan.

Barge overflow of dredged material will not occur during the dredging of this proposed project, therefore, the only Section 404 activity involved in this application is the placement of the dredged material at one of the designated disposal sites in Long Island Sound.

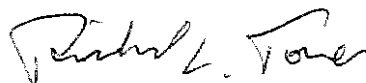
Comments related to water quality issues should be submitted both to this office and to the Connecticut Department of Environmental Protection, Office of Long Island Sound Programs, 79 Elm Street, Hartford, Connecticut 06106-5127. For more information about the water quality certification, please contact Connecticut's Office of Long Island Sound Programs at (860) 424-3034.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

**Navigable Waters Permit from New York State Department of Environmental Conservation.**

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who did not receive a copy of this notice.

If you have any questions concerning this application, you may contact this office at (917) 790-8417 and ask for Steven A. Schumach. For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer  
Chief, Regulatory Branch

Attachments

DESCRIPTION OF WORK

The applicant, the City of Rye Municipal Marina, has requested Department of the Army authorization to maintenance dredge in Milton Harbor in the City of Rye, Westchester County, New York. Approximately 20,000 cubic yards of material within area of approximately 341,950 square feet (7.85 acres) would be dredged to restore pre-existing water depths of 6 feet below the plane of mean low water within the existing boat basin and 8 feet below the plane of mean low water within the portion of the Milton Harbor Federal Navigation Channel leading to the entrance to the boat basin. An additional 3,000 cubic yards of material would be maintenance dredged from the area of approximately 4,000 square feet at the Blind Brook side of the boat basin to restore a sediment deposition basin to 14 feet below the plane of mean low water. The dredging would be performed by using an environmental clamshell bucket dredge. No barge overflow is proposed. The dredged material silt and sand material and would be placed at the Central Long Island Sound Disposal Site (CLIS) with capping. It is estimated that the dredging would take 75 days to perform. The stated purpose of the proposed dredging is to restore safe navigation depths at the entrance channel to the boat basin and within the boat basin.

Sampling and Testing:

Based on an evaluation of the data that characterize the material proposed to be dredged, as shown on the attached Table 1, the applicant has sampled and tested the area to be dredged; the Corps of Engineers finds that the data provided sufficient information to satisfy the evaluation and testing requirements of the appropriate regulations. The Corps finds that placement at CLIS would be suitable, but only with the requirement that the most contaminated material be capped with suitable material at CLIS. The applicant will be required to develop an appropriate capping plan that is subject to Corps of Engineers review and approval.

The Central Long Island Sound Disposal Site is frequently used for disposal of bottom sediments from various harbors along the eastern New York, northern Long Island, and central and western Connecticut coasts. An average of approximately 400,000 cubic yards of suitable sediments (suitability determined through case-by-case analyses) have been deposited at this site annually. The site has been monitored through the Corps' Disposal Area Monitoring System (DAMOS) program. DAMOS studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals and organics in the sediments within the disposal site are generally above background levels, indicative of the industrial nature of the areas dredged that utilize the site. Areas outside the disposal site have not been found to be affected by sediment deposited within the site.

The dredged material has undergone physical and chemical analysis and has satisfied Part 227.13(b) of exclusionary criteria of the Ocean Dumping Act regulations regarding biological testing. It is our preliminary determination that the material is acceptable for disposal at this disposal site. A Department of the Army permit, if issued in this matter, would authorize the initial disposal of the dredged material at the designated Long Island Sound Disposal Site for a 3 year period to allow for periodic maintenance dredging

### Summary of Essential Fish Habitat (EFH) Designation

#### 10' x 10' Square Coordinates: Dredge Site

Boundary	North	East	South	West
Coordinate	41° 00.0' N	73° 40.0' W	40° 50.0' N	73° 50.0' W

**Square Description (i.e. habitat, landmarks, coastline markers):** The waters within the square within the Hudson River estuary on the north shore of Long Island, affecting the following: north of Manhasset Neck, Port Washington, NY., Berker Pt., Sands Pt., and Moti Pt., the tip of Hewlett Pt. on the north of Great Neck, north of Manhasset, NY., and Douglastown, NY. Also, the waters within Long Island Sound south of mainland New York from Port Chester, NY., and Rye, NY., to Westchester, NY., on East Chester Bay, along with south of the following: Harrison, NY., Mamaroneck, NY., Larchmont, NY., Pelham, NY., New Rochelle, NY., Pelham Manor, NY., and East Chester, NY. Also, around the following islands and features: Hart, City, Davids, Pea, Hen, Glen, Hunter and Huckleberry, the Scotch Caps, Middle Gorund, Execution Rocks, Gangway Rocks, Porgy Shoal and Hen and Chickens Rocks, along with the Hutchinson River, Mamaroneck Harbor, Milton Harbor, and Larchmont Harbor.

Species	Eggs	Larvae	Juveniles	Adults
Atlantic cod ( <i>Gadus morhua</i> )			X	X
pollock ( <i>Pollachius virens</i> )			X	X
red hake ( <i>Urophycis chuss</i> )	X	X	X	X
winter flounder ( <i>Pleuronectes americanus</i> )	X	X	X	X
windowpane flounder ( <i>Scopthalmus aquosus</i> )	X	X	X	X
Atlantic sea herring ( <i>Clupea harengus</i> )		X	X	X
bluefish ( <i>Pomatomus saltatrix</i> )			X	X
Atlantic butterfish ( <i>Peprilus triacanthus</i> )		X	X	X
Atlantic mackerel ( <i>Scomber scombrus</i> )			X	X
summer flounder ( <i>Paralichthys dentatus</i> )		X	X	X
scup ( <i>Stenotomus chrysops</i> )	X	X	X	X

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black sea bass ( <i>Centropristus striata</i> )	n/a		X	X
king mackerel ( <i>Scomberomorus cavalla</i> )	X	X	X	X
Spanish mackerel ( <i>Scomberomorus maculatus</i> )	X	X	X	X
cobia ( <i>Rachycentron canadum</i> )	X	X	X	X
sand tiger shark ( <i>Odontaspis taurus</i> )		X		

### **Summary of Essential Fish Habitat (EFH) Designation**

#### **10' x 10' Square Coordinates: Central Long Island Sound Disposal Site**

Boundary	North	East	South	West
Coordinate	41° 10.0' N	72° 50.0 W	41° 00.0' N	73° 00.0 W

**Square Description (i.e. habitat, landmarks, coastline markers):** Atlantic Ocean waters within the square within Long Island Sound affecting the following: one square south of the waters within the square south of New Haven, CT. In this square there is a dumping ground on the northeast corner.

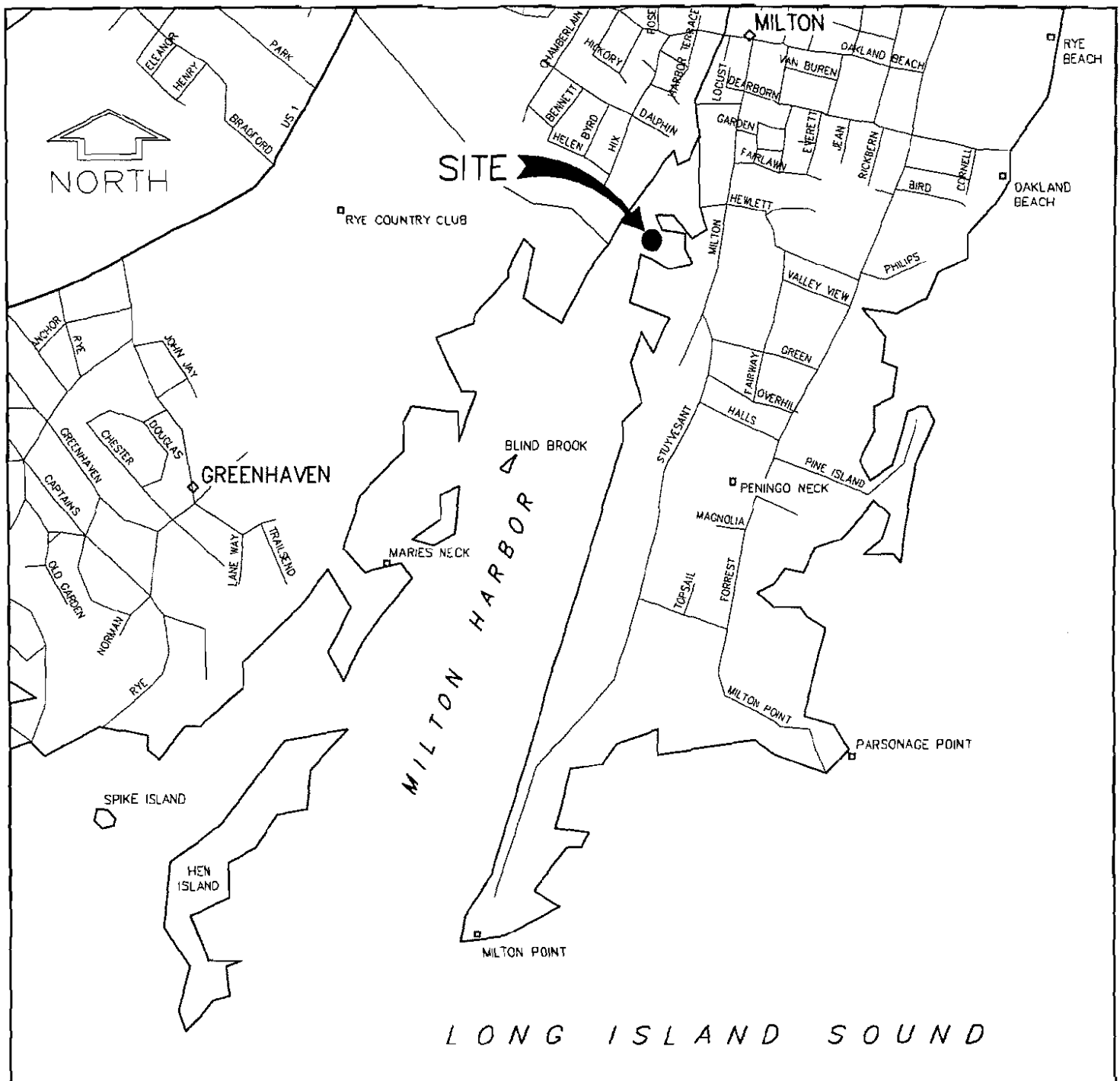
Species	Eggs	Larvae	Juveniles	Adults
Atlantic salmon ( <i>Salmo salar</i> )			X	X
pollock ( <i>Pollachius virens</i> )			X	X
whiting ( <i>Merluccius bilinearis</i> )				X
red hake ( <i>Urophycis chuss</i> )	X	X	X	X
winter flounder ( <i>Pleuronectes americanus</i> )	X	X	X	X

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windowpane flounder ( <i>Scopthalmus aquosus</i> )	X	X	X	X
American plaice ( <i>Hippoglossoides platessoides</i> )			X	X
Atlantic sea herring ( <i>Clupea harengus</i> )			X	X
bluefish ( <i>Pomatomus saltatrix</i> )			X	X
Atlantic mackerel ( <i>Scomber scombrus</i> )	X	X	X	X
summer flounder ( <i>Paralichthys dentatus</i> )			X	
scup ( <i>Stenotomus chrysops</i> )	X	X	X	X
black sea bass ( <i>Centropristus striata</i> )	n/a		X	
king mackerel ( <i>Scomberomorus cavalla</i> )	X	X	X	X
Spanish mackerel ( <i>Scomberomorus maculatus</i> )	X	X	X	X
cobia ( <i>Rachycentron canadum</i> )	X	X	X	X
sand tiger shark ( <i>Odontaspis taurus</i> )		X		

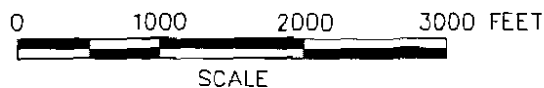
Table 1

Normalized Pollutant Concentrations										
Project: Rye, NY, Municipal Marina Survey :Rye, NY, Municipal Marina										
USACE Permit/Contract Number: NAE-2006-1764										
Analyte	CLIS	R-2 through R-4 Comp				R-5 through R-9 Comp				
Metals (ppm)	mean + 2sd	Raw Data	Qualifier	Normalized	Comparison	Raw Data	Qualifier	Normalized	Comparison	
Arsenic	6.3	9.7			1.54	9.2			1.46	
Cadmium	0.28	1.2			4.29	1.1			3.93	
Chromium	45.1	70			1.55	71			1.57	
Copper	42.1	110			2.61	110			2.61	
Lead	82.2	75			OK	110			1.34	
Mercury	0.16	0.42			2.63	0.43			2.69	
Nickel	41	30			OK	40			OK	
Zinc	181	220			1.22	240			1.33	
% fines										
PAHs (ppb)										
Acenaphthene	12	14 J		8	OK	47		24.1	2.01	
Acenaphthylene	39	13 J		7.43	OK	21 J		10.77	OK	
Anthracene	56	48		27.43	OK	230		117.95	2.11	
Fluorene	20	22 J		12.57	OK	85		43.59	2.18	
Naphthalene	94	32		18.29	OK	42		21.54	OK	
Phenanthrene	183	190		108.57	OK	1000		512.82	2.8	
Benzo(a)anthracene	194	290		165.71	OK	1100		564.1	2.91	
Benzo(a)pyrene	217	380		217.14	1	1300		666.67	3.07	
Benzo(g,h,i)perylene	216	340		194.29	OK	810		415.38	1.92	
Chrysene	217	380		217.14	1	1400		717.95	3.31	
Dibenzo(a,h)anthracene	12	64		36.57	3.05	210		107.69	8.97	
Fluoranthene	320	660		377.14	1.18	3000		1538.46	4.81	
Indeno(1,2,3-cd)pyrene	92	320		182.86	1.99	870		446.15	4.85	
Pyrene	459	580		331.43	OK	2300		1179.49	2.57	
Total Benzofluoranthenes	446	321		366.86	OK	4800		4923.08	11.04	
TOC		1.75				1.95				
Sum of PAHs		3654		2271.428		17215		11289.74		
Pesticides (ppb)										
4,4'-DDD	-999	5.4 P			No Ref	20			No Ref	
4,4'-DDE	-999	3.7 I			No Ref	18 I			No Ref	
4,4'-DDT	-999	1.2 U			No Ref	6.7 I			No Ref	
Aldrin	-999	1.2 U			No Ref	1.4 U			No Ref	



TAKEN FROM DeLORNE MAPEXPERT  
WINDOWS V2.0

## VICINITY MAP



**FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION**

PURPOSE: TO REMEDY SHOALING AND RELATED  
DEPOSITION ON A MUNICIPAL BOAT BASIN AND CHANNEL

DATUM; MEAN LOW WATER

ADJACENT PROPERTY OWNERS:  
SEE APPLICATION FOR LISTING

AGENT: STANLEY WHITE ENGINEERING P.C.

PROPOSED CHANNEL AND BASIN DREDGING  
IN MILTON HARBOR

CITY OF RYE  
COUNTY OF WESTCHESTER  
STATE OF NEW YORK

APPLICATION BY: CITY OF RYE

DATE: 11-19-01

SHEET 1 OF 9

# FEDERAL CHANNEL COORDINATES

POINT	NORTHING	EASTING
7	N 287,245.42	E 1,068,580.84
8	N 287,187.10	E 1,068,662.07
11	N 288,302.87	E 1,069,340.01
12b	N 288,543.59	E 1,069,462.85
12c	N 288,462.09	E 1,069,359.12
13a	N 288,484.70	E 1,069,953.49
14a	N 288,435.06	E 1,069,947.53
15a	N 288,491.48	E 1,069,477.46
15b	N 288,453.04	E 1,069,428.54
16	N 288,221.41	E 1,069,400.73
17a	N 288,091.40	E 1,069,790.51
17b	N 288,105.13	E 1,069,815.20
18	N 288,326.97	E 1,069,868.48
19	N 288,317.39	E 1,069,917.12
20a	N 288,058.95	E 1,069,855.60
20b	N 288,026.13	E 1,069,796.59
21	N 288,160.60	E 1,069,393.42
22	N 288,135.31	E 1,069,342.82
D1	N 288,193.63	E 1,069,261.58
D2	N 287,395.11	E 1,068,688.30
D3	N 287,336.79	E 1,068,769.54

NORTH

N 288000

E 1069000

N 287500

E 1069500

## SEDIMENTATION BASIN COORDINATES

POINT	NORTHING	EASTING
S1	N 288,491.59	E 1,069,466.81
S2	N 288,571.14	E 1,069,476.21
S3	N 288,565.27	E 1,069,525.86
S4	N 288,485.82	E 1,069,516.46

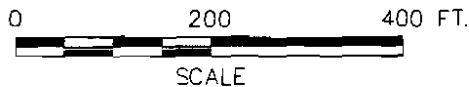
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E 1069555.01812

N 288027.62331  
E 1069677.90887

E 1070000

N 288000

## EXISTING SITE PLAN



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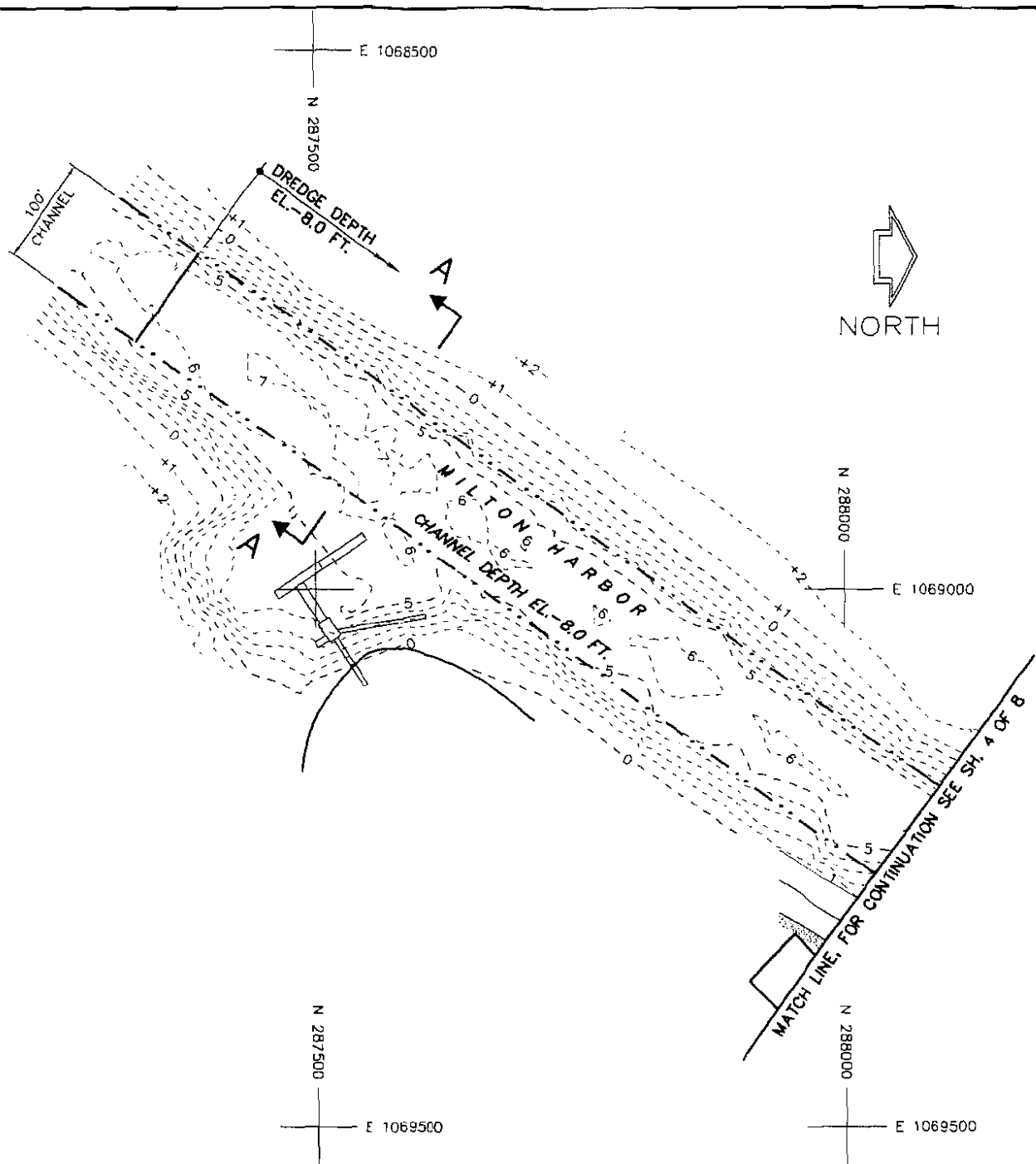
PROPOSED CHANNEL AND BASIN DREDGING  
IN MILTON HARBOR

CITY OF RYE  
COUNTY OF WESTCHESTER  
STATE OF NEW YORK

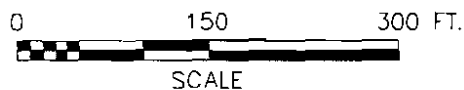
APPLICATION BY: CITY OF RYE

DATE: 11-19-01

Sheet 2 of 9



## PARTIAL SITE PLAN - SHEET 1 OF 2



FOR PERMIT USE ONLY  
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DATUM; MEAN LOW WATER

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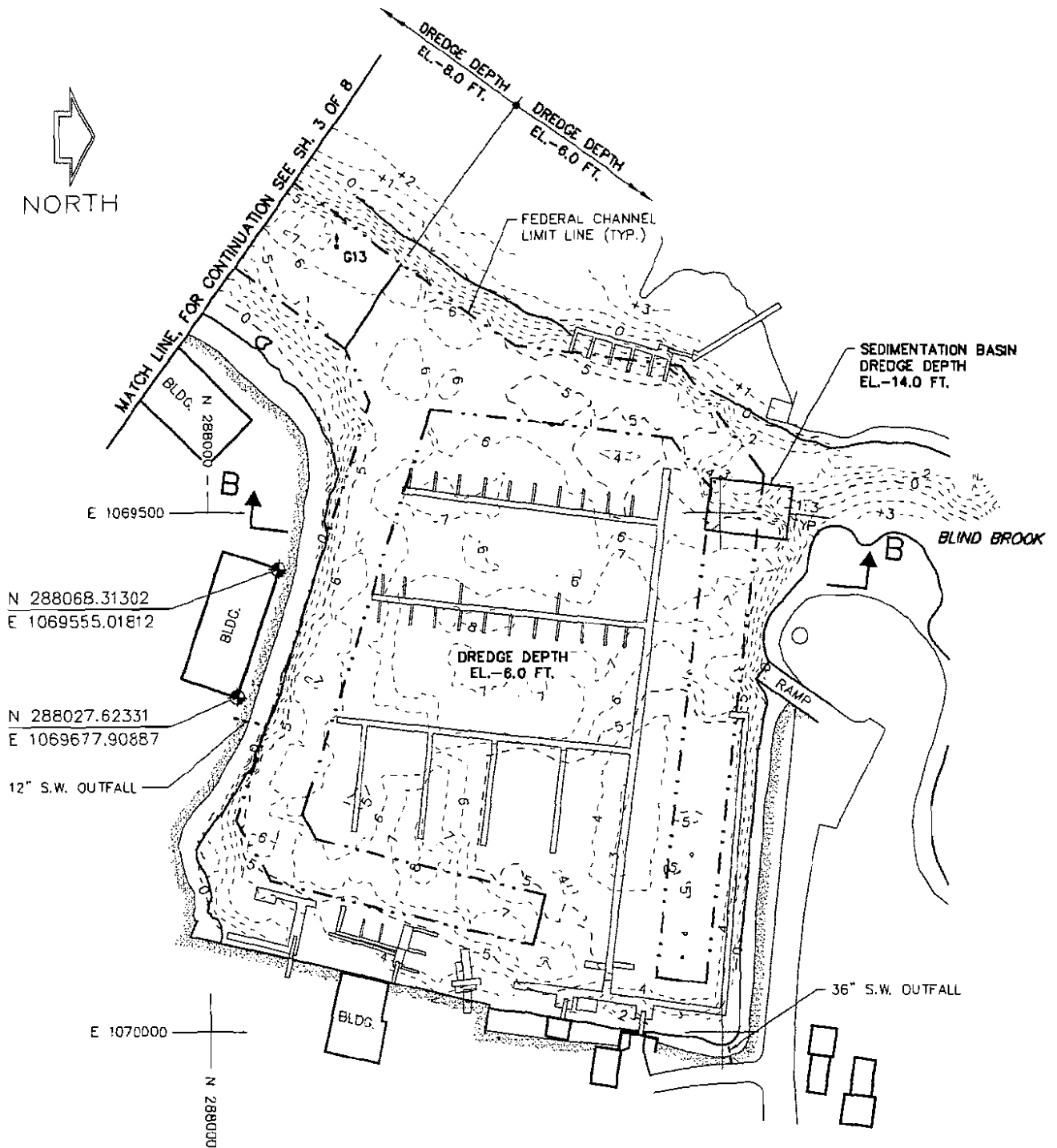
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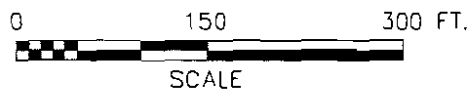
APPLICATION BY: CITY OF RYE

DATE: 11-19-01

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## PARTIAL SITE PLAN - SHEET 2 OF 2



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DEPOSITION ON A MUNICIPAL BOAT BASIN AND CHANNEL

DATUM: MEAN LOW WATER

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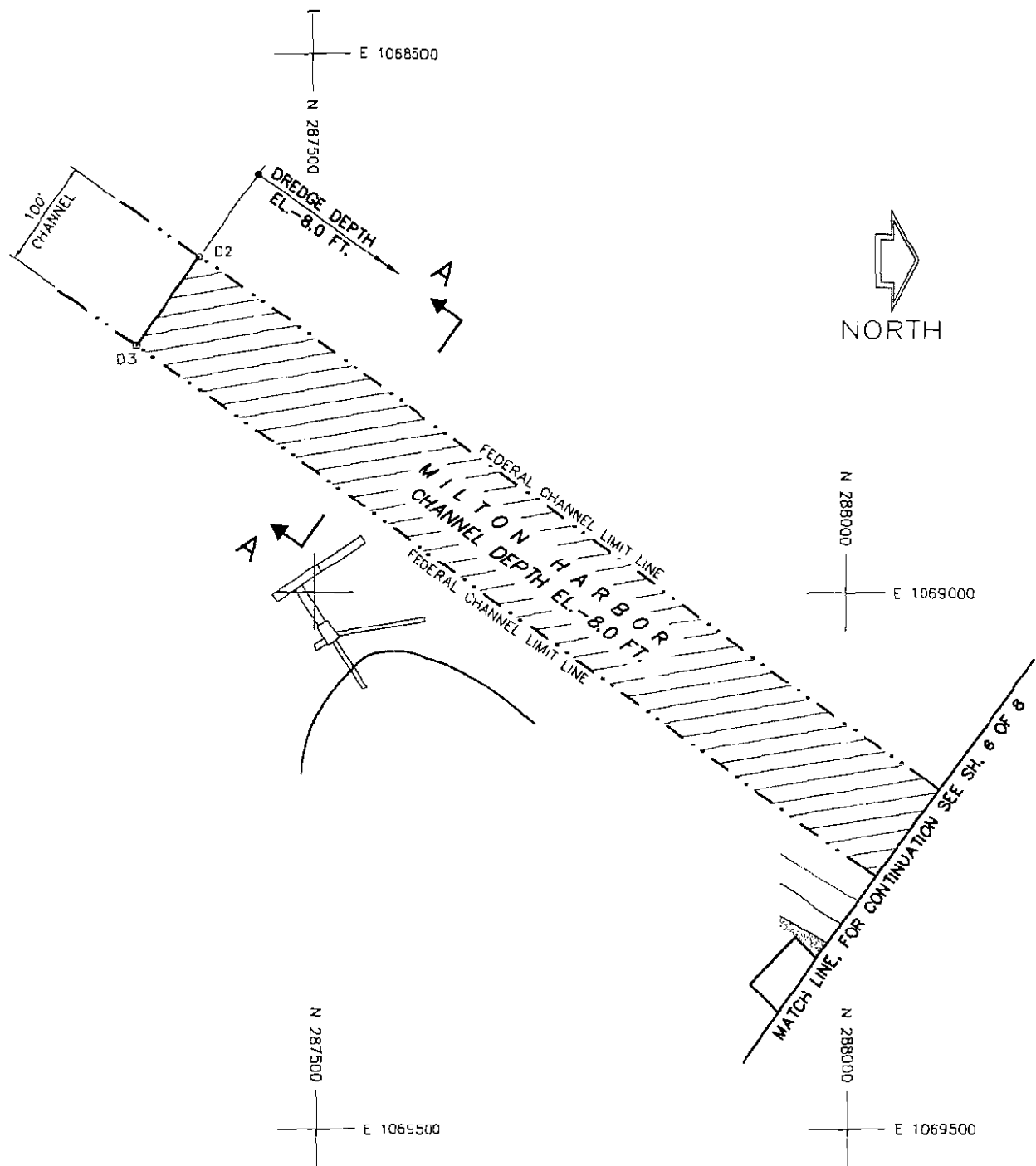
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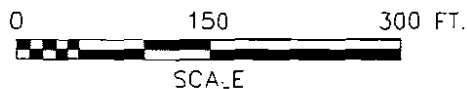
APPLICATION BY: CITY OF RYE

DATE: 11-19-01

Sheet 4 of 9



## DREDGING PLAN - SHEET 1 OF 2



FOR PERMIT USE ONLY  
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PURPOSE: TO REMEDY SHOALING AND RELATED  
DEPOSITION ON A MUNICIPAL BOAT BASIN AND CHANNEL

DATUM; MEAN LOW WATER

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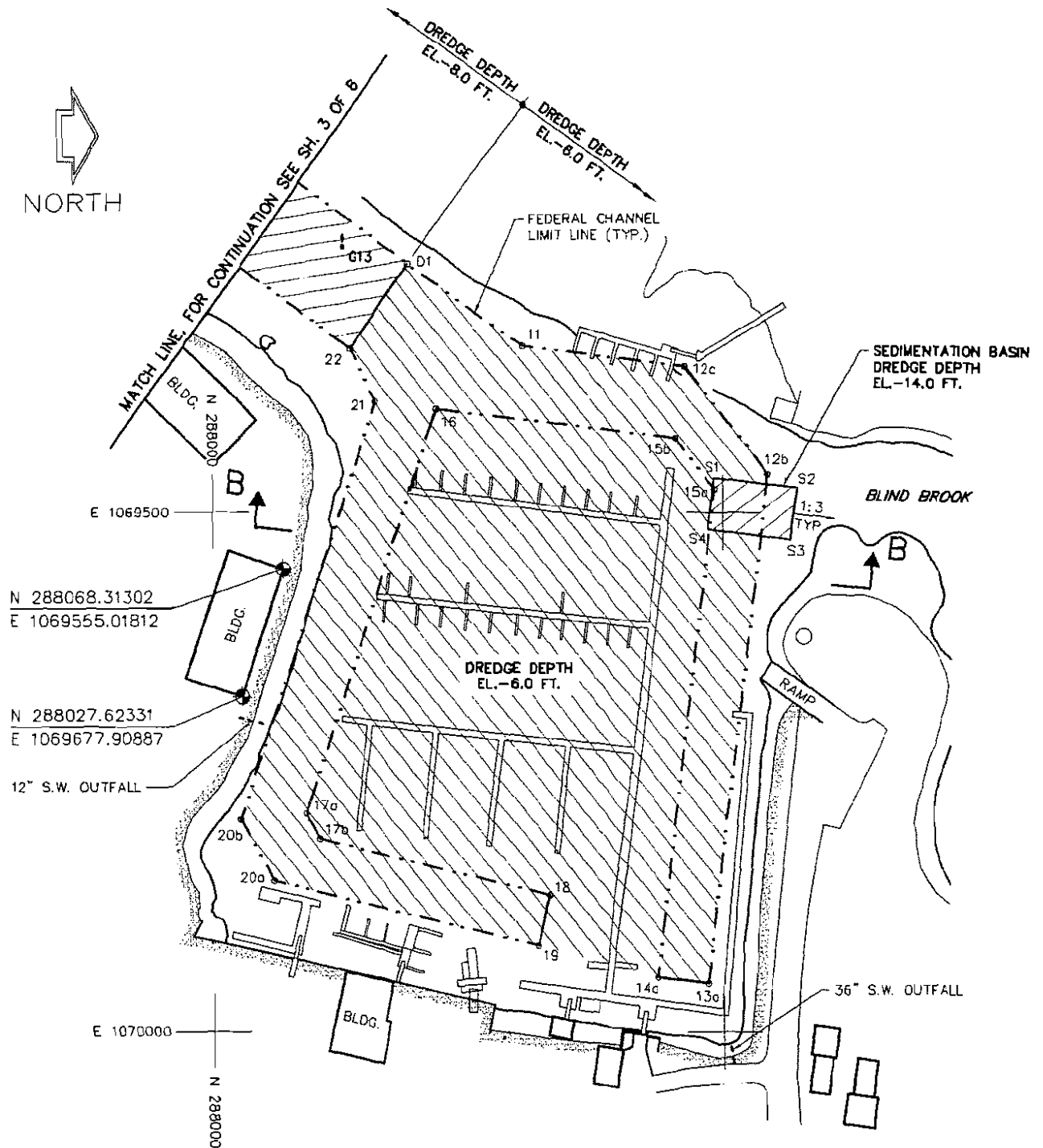
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CITY OF RYE  
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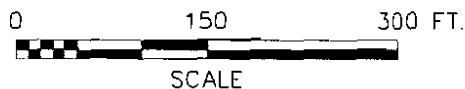
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Sheet 5 of 9



## DREDGING PLAN - SHEET 2 OF 2



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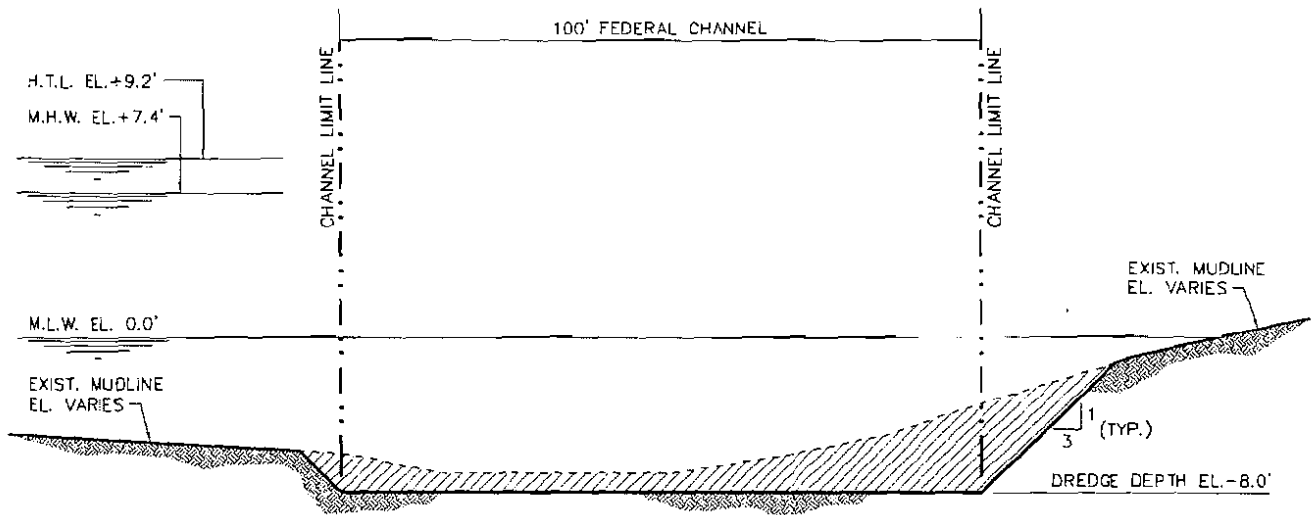
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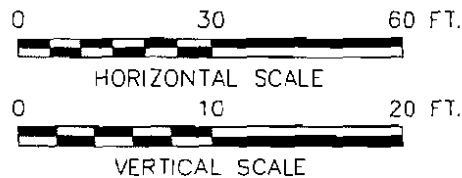
APPLICATION BY: CITY OF RYE

DATE: 11-19-01

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### SECTION A-A



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO REMEDY SHOALING AND RELATED  
DEPOSITION ON A MUNICIPAL BOAT BASIN AND CHANNEL

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:  
SEE APPLICATION FOR LISTING

AGENT: STANLEY WHITE ENGINEERING P.C.

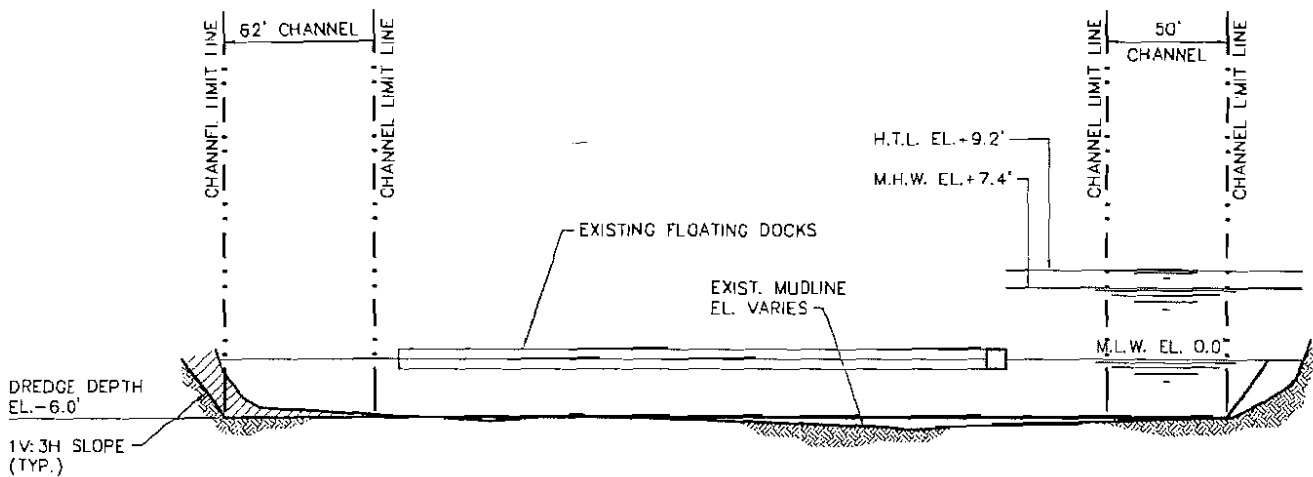
PROPOSED CHANNEL AND BASIN DREDGING  
IN MILTON HARBOR

CITY OF RYE  
COUNTY OF WESTCHESTER  
STATE OF NEW YORK

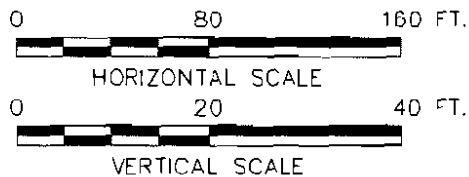
APPLICATION BY: CITY OF RYE

DATE: 11-19-01

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## SECTION B-B



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO REMEDY SHOALING AND RELATED  
DEPOSITION ON A MUNICIPAL BOAT BASIN AND CHANNEL

DATUM: MEAN LOW WATER

ADJACENT PROPERTY OWNERS:  
SEE APPLICATION FOR LISTING

AGENT: STANLEY WHITE ENGINEERING P.C.

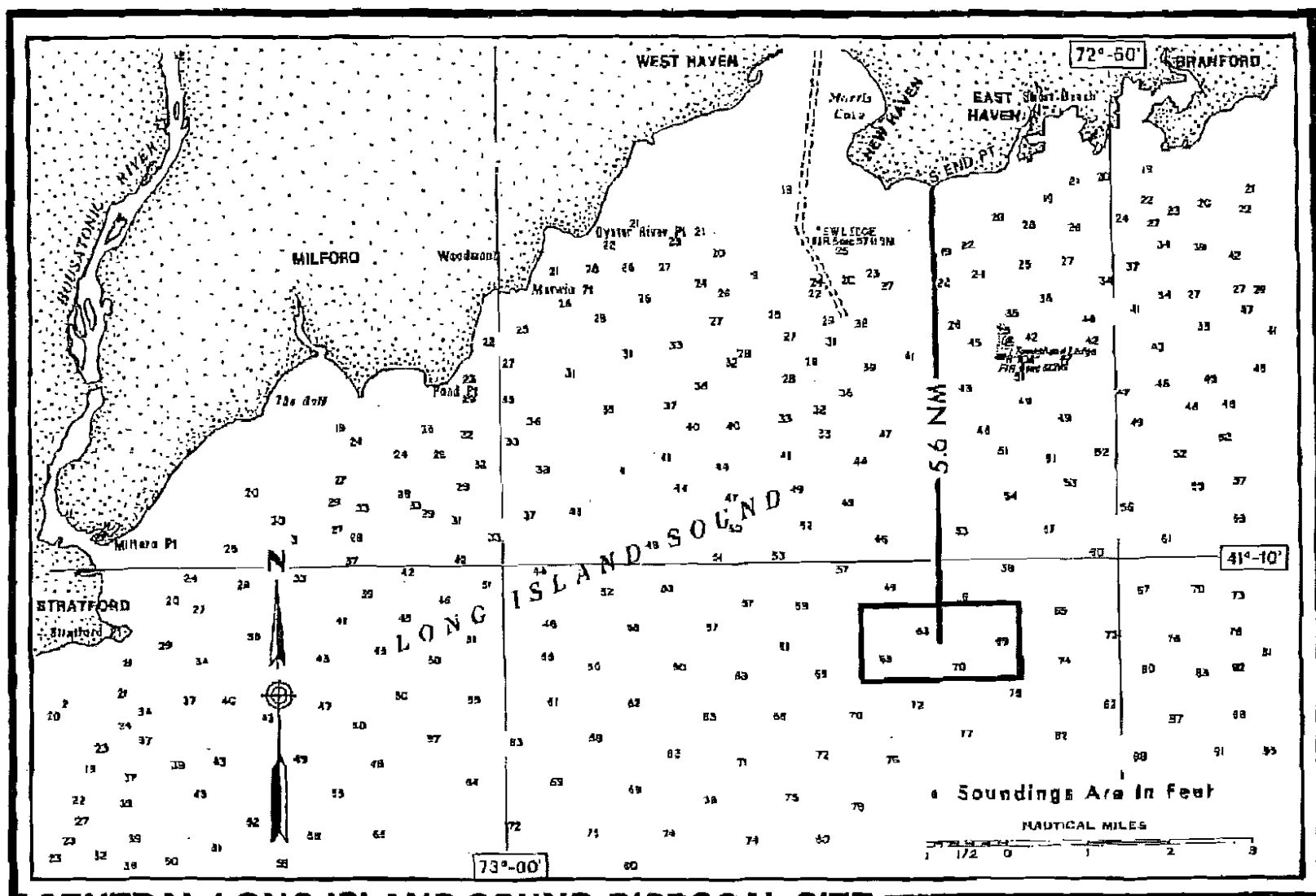
PROPOSED CHANNEL AND BASIN DREDGING  
IN MILTON HARBOR

CITY OF RYE  
COUNTY OF WESTCHESTER  
STATE OF NEW YORK

APPLICATION BY: CITY OF RYE

DATE: 11-19-01

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## CENTRAL LONG ISLAND SOUND DISPOSAL SITE

Description: This site is a two nautical miles long by one nautical mile wide with the major axis running true east-west and center at 41°-08.95'N latitude and 72°-52.85'W longitude. From the center, Southwest Ledge Light bears true 345° at 10,750 yards and Townshend Ledge Lighted Gong Buoy No. "10-A" bears true 13° at 7,400 yards. This site is approximately 5.6 nautical miles off South End Point, East Haven. Depth Range: 49-75 feet MLW. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other documents.

NOTE: The map depicts the disposal site's location in relation to landmarks. It is not intended for use in navigation.